

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

THOMAS CRISSMAN,

Plaintiff,

v.

SERGEANT GRAHAM, et al.,

Defendants.

Civil Action No. 06-63 Erie

MEMORANDUM ORDER

This civil rights action was received by the Clerk of Court on March 14, 2006, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [Doc. No. 9], filed on August 1, 2006, recommended that Plaintiff's case be dismissed for failure to prosecute. The parties were allowed ten (10) days from the date of service to file objections. Service was made on Plaintiff by certified mail and on Defendants. Plaintiff filed objections on August 16, 2006 [Doc. No. 11]. After de novo review of the motion and documents in the case, together with the Report and Recommendation and objections thereto, the following order is entered:

AND NOW, this 17th day of August, 2006;

IT IS HEREBY ORDERED that the Plaintiff's case is DISMISSED for failure to prosecute since Plaintiff has failed to effectuate proper service under the Federal Rules of Civil Procedure.

The Report and Recommendation [Doc. No. 9] of Magistrate Judge Baxter, filed on August 1, 2006, is adopted as the opinion of the Court.

s/ Sean J. McLaughlin
United States District Judge

cm: All parties of record
Susan Paradise Baxter, U.S. Magistrate Judge